

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2021-14**

**AN ORDINANCE ANNEXING 4.79 ACRES OF PROPERTY OWNED BY
VICTORY BAPTIST CHURCH OF WHITELAND, INC.
(Victory Baptist Church Annexation)**

WHEREAS, the Town Council (the “Council”) of the Town of Whiteland, Indiana (the “Town”) has reviewed a Petition filed for voluntary annexation of approximately 4.79 acres of property (the “Annexation Petition”) owned by Victory Baptist Church of Whiteland (the “Owners”), located outside the current Town boundaries and generally located at 1370 E. 600 N. (Tracy Rd.) (on the north side of County Road 600 North, west of Graham Road, and east of Front Street);

WHEREAS, a legal description of the territory sought to be annexed is attached hereto and incorporated herein as Exhibit A (the “Annexation Territory”), which includes an aerial photo showing the Annexation Territory and the Whiteland zoning classification to be assigned to the Annexation Territory;

WHEREAS, prior to adoption, this Ordinance has been the subject of a duly noticed public hearing;

WHEREAS, to the extent the Annexation Territory as described on Exhibit A includes territory that is contiguous to a public highway, and as required by I.C. 36-4-3-2.5, the Annexation Territory must include the contiguous areas of the public highway and public highway right-of-way;

WHEREAS, the Annexation Territory is at least one-eighth (1/8) contiguous to the existing corporate boundaries of the Town;

WHEREAS, it is the intent of this Council to adopt for the Annexation Territory the Town’s R-1 zoning classification;

WHEREAS, the Annexation Territory consists of property currently used primarily for residential purposes;

WHEREAS, the Whiteland Plan Commission has given a favorable recommendation regarding the Annexation Petition and the proposed zoning classification;

WHEREAS, in accordance with I.C. 36-4-3-3.1(d) and I.C. 36-4-3-5.1(d), the Council has adopted a written fiscal plan after holding a public hearing on the proposed annexation and before adopting this annexation ordinance;

WHEREAS, I.C. 36-4-3-7(f) provides that in the case of an annexation initiated by property owners under section I.C. 36-4-3-5.1 in which all property owners within the area to be annexed have petitioned the municipality to be annexed, “[s]ubject to subsections (b) and (d), and in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by [I.C. 36-4-3-22(a)]”;

WHEREAS, this Council has determined to annex the Annexation Territory pursuant to the terms of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana, as follows:

1. The above recitals including Exhibit A are incorporated herein by reference as though fully set forth herein below. Two copies of Exhibit A shall be kept on file with the Clerk-Treasurer for public inspection.

2. The Annexation Territory is hereby annexed into the Town of Whiteland and thereby included within its corporate boundaries under I.C. 36-4-3-5.1.

3. To the extent the Annexation Territory includes land contiguous to a public highway not already part of the corporate limits of the Town of Whiteland, the Annexation Territory shall include the contiguous areas of the public highway and public highway rights-of-way as required by I.C. 36-4-3-2.5, including without limitation, the strip of land identified as Parcel No. 41-05-15-034-009.009-033 titled in the name of the Town of Whiteland.

4. The property in the Annexation Territory shall be classified for zoning purposes as the Town's R-1 zoning classification.

5. The Annexation Territory is assigned to Whiteland Town Council District 1.

6. The Town recognizes and accepts its obligation pursuant to I.C. 36-4-3-10 with respect to Township debt; provided however, as of August 20, 2021, the Gateway portal of the Indiana Department of Local Government Finance shows no Pleasant Township debt reported.

7. The effective date of this annexation shall be as soon as allowed by law following the adoption, execution, publication, recordation, and filing of this Ordinance.

8. Severability. The paragraphs, sentences and words of this Ordinance are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance. Specifically, if any portion of the Annexation Territory cannot be lawfully annexed for any reason, it shall have no impact on the annexation of the remaining Annexation Territory.

9. If it is determined in any final order no longer subject to appeal in a judicial challenge to this Ordinance that any amendment to this Ordinance either prior to or after its adoption has rendered this Ordinance unenforceable, invalid, or otherwise ineffective, then this Ordinance shall be reformed so as to exclude such amendment and shall be considered adopted as if the amendment had never been made.

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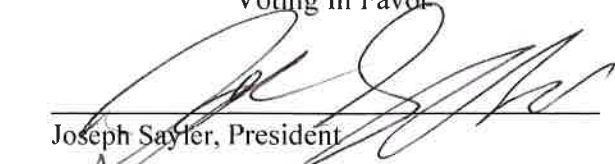
PASSED through first reading by the Town Council on the 14 day of September, 2021, by a vote of 5 in favor and 0 against.

DULY PASSED AND FINALLY ADOPTED on second reading on the 14 day of October, 2021, by a vote of 5 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

Voting In Favor

Voting Opposed



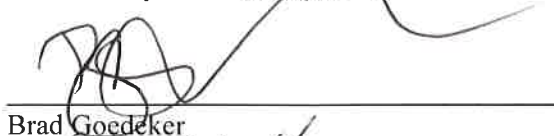
Joseph Sayler, President

Joseph Sayler, President



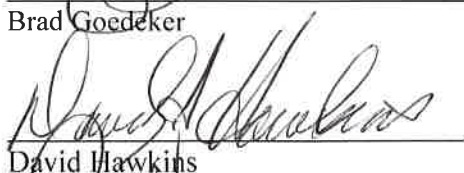
Laura Fleury, Vice President

Laura Fleury, Vice President



Brad Goedecker

Brad Goedecker



David Hawkins

David Hawkins



Richard Hill

Richard Hill

Attest:



Debra L. Hendrickson, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Stephen K. Watson, Attorney No. 16899-53

This instrument was prepared by Stephen K. Watson, attorney-at-law
Williams, Barrett & Wilkowski, LLP, 600 N. Emerson Avenue, Greenwood, Indiana 46143

EXHIBIT A
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VICTORY BAPTIST CHURCH ANNEXATION TERRITORY



PARCEL ID	OWNER
41-05-15-034-009.008-033	Victory Baptist Church of Whiteland Inc.

EXHIBIT A
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VICTORY BAPTIST CHURCH ANNEXATION TERRITORY

Legal Description

Part of the Southwest Quarter of Section 15, Township 13 North, Range 4 East of the Second Principal Meridian, Johnson County, Indiana, described as follows:

Beginning on the South line of said Quarter Section 640.25 feet West of the Southeast corner thereof; thence South 88 degrees 40 minutes 36 seconds West on and along the said South line 215.89 feet; thence North 00 degrees 20 minutes 36 seconds East 1009.28 feet; thence North 88 degrees 40 minutes 36 seconds East 215.89 feet; thence South 00 degrees 20 minutes 36 seconds West 1009.28 feet to the Point of Beginning.

EXCEPTING THEREFROM THE FOLLOWING:

Part of the Southwest Quarter of Section 15, Township 13 North, Range 4 East of the Second Principal Meridian, Johnson County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 15; thence South 89 degrees 56 minutes 41 seconds West (bearings are based upon a ALTA Land Title Survey performed by Paul I. Cripe, Inc., Job #990565-20200, dated January 31, 2005, and recorded on May 24, 2005 as Instrument Number 2005-013497 in the Office of the Recorder of Johnson County, Indiana) along the South line of said Southwest Quarter 640.25 feet to the Southeast corner of land described in Instrument No. 98004924, recorded in said Recorder's Office and the Point of Beginning; thence continuing South 89 degrees 56 minutes 41 seconds West along said South line 215.89 feet to the West boundary of said Instrument No. 98004924; thence North 01 degrees 36 minutes 41 seconds East along said West boundary 35.01 feet; thence North 89 degrees 56 minutes 41 seconds East parallel with the South line of said Southwest Quarter 215.89 feet to the East boundary of said Instrument No. 98004924; thence South 01 degrees 36 minutes 41 seconds West along said East boundary 35.01 feet to the South line of said Southwest Quarter and the Point of Beginning, containing 0.173 acres, more or less. EXCEPT that portion lying within the existing R/W of Tracy Road, containing after said exception 0.125 acres, more or less.

Commonly known as: 1360 E. 600 N., Whiteland, Indiana 46184